

William B. Pollard, III (WB-9542)
Catherine M. Irwin (CI-7287)
Kornstein Veisz Wexler & Pollard, LLP
757 Third Avenue
New York, New York 10017
(212) 418-8600

Attorneys for Plaintiff
Executive Risk Indemnity Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
EXECUTIVE RISK INDEMNITY INC.,	:
	: 08 Civ. 1822 (DLC/AJP)
Plaintiff,	:
-v-	: NOTICE OF RULE 81.1
	: STATEMENT OF OMITTED
WESTPORT INSURANCE CORPORATION,	: INFORMATION ON
	: REMOVAL
Defendants.	:
-----X	

Pursuant to Local Rule 81.1 of the Federal Rules of Civil Procedure, Plaintiff Executive Risk Indemnity Inc., by and through the undersigned counsel, states that attached as Exhibit A is the summons that was filed in the state court. Attached as Exhibit B are the affidavits of service.

Dated: New York, New York
March 3, 2008

KORNSTEIN VEISZ WEXLER & POLLARD, LLP

By: s/ Catherine M. Irwin
William B. Pollard, III (WB-9542)
Catherine M. Irwin (CI-7287)
757 Third Avenue
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

EXECUTIVE RISK INDEMNITY INC.,	X	Index No. _____
	:	Date purchased: January 23, 2008
Plaintiff,	:	
	:	Plaintiff designates New York
- against -	:	County as the place of trial.
	:	
	:	The basis of the venue is
	:	CPLR 503(a) and (c)
	:	
WESTPORT INSURANCE CORPORATION,	:	SUMMONS 08600200
	:	Plaintiff resides at
	:	55 Water Street
	:	New York, New York 10041
Defendant.	:	County of New York

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this summons and to serve a copy of your answer, within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
January 23, 2008

KORNSTEIN VEISZ WEXLER & POLLARD, LLP

By: William B. Pollard, III
William B. Pollard, III
Catherine M. Irwin

757 Third Avenue
New York, New York 10017
(212) 418-8600

Attorneys for Plaintiff

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TO: WESTPORT INSURANCE CORPORATION
1114 Avenue of the Americas
New York, New York 10036

William B. Pollard, III (WB-9542)
Catherine M. Irwin (CI-7287)
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New York, New York 10017
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*Attorneys for Plaintiff
Executive Risk Indemnity Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
EXECUTIVE RISK INDEMNITY INC.,	:	
	:	08 Civ. 1822 (DLC/AJP)
Plaintiff,	:	
-v-	:	
	:	<u>AFFIDAVIT OF SERVICE</u>
WESTPORT INSURANCE CORPORATION,	:	
	:	
Defendants.	:	
-----X	:	

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

CATHERINE M. IRWIN, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age, and reside in New York, New York.
2. On February 29, 2008, I served a true copy of the **SUMMONS**, by e-mailing the same to the last known e-mail address of the following as indicated below:

Robert Conlon
WALKER WILCOX MATOUSEK LLP
225 West Washington Street, Suite 2400
Chicago, Illinois 60606-3418
(312) 244-6700
rconlon@wwmlawyers.com
Attorney for Defendant Westport Insurance Corporation

3. Robert Conlon previously agreed to accept service on behalf of the defendant.



CATHERINE M. IRWIN

Sworn to before me this
3rd day of March, 2008


NOTARY PUBLIC

MARIANA PASTORE
NOTARY PUBLIC, State of New York
No. 02PA6097469
Qualified in Kings County
Commission Expires Aug. 18, 2011

William B. Pollard, III (WB-9542)
Catherine M. Irwin (CI-7287)
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*Attorneys for Plaintiff
Executive Risk Indemnity Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EXECUTIVE RISK INDEMNITY INC.,

Plaintiff,

-v-

WESTPORT INSURANCE CORPORATION,

Defendants.
-----X

:
: 08 Civ. 1822 (DLC/AJP)
:

: **AFFIDAVIT OF SERVICE**
:
:
:

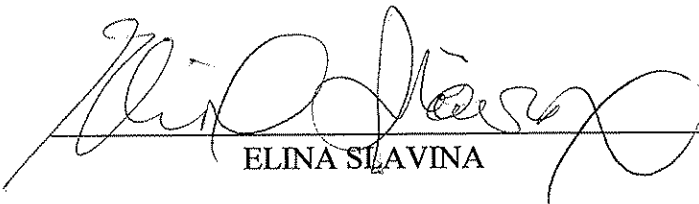
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ELINA SLAVINA, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age, and reside in Brooklyn, New York.

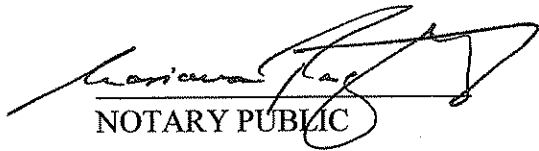
2. On February 29, 2008, I served a true copy of the **SUMMONS**, by mailing the same by FedEx - Priority Overnight, in a FedEx Envelope, within the State of New York, addressed to the last known address of the following as indicated below:

Robert Conlon
WALKER WILCOX MATOUSEK LLP
225 West Washington Street, Suite 2400
Chicago, Illinois 60606-3418
(312) 244-6700
Attorney for Defendant Westport Insurance Corporation



ELINA SLAVINA

Sworn to before me this
3 day of March, 2008



NOTARY PUBLIC

MARIANA PASTORE
NOTARY PUBLIC, State of New York
No. 02FA6097469
Qualified in Kings County
Commission Expires Aug. 18, 2011